

**FILED**

**JAN -9 2013**

**Board of Vocational Nursing  
and Psychiatric Technicians**

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**BEFORE THE  
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. VN-2010-3270

**MELODY ANN YOUNG**  
1819 Big Oaks Drive  
Yuba City, CA 95991

**ACCUSATION**

Vocational Nurse License No. VN 104567

Respondent.

Teresa Bello-Jones, J.D., M.S.N., R.N. ("Complainant") alleges:

**PARTIES**

1. Complainant brings this Accusation solely in her official capacity as the Executive Officer of the Board of Vocational Nursing and Psychiatric Technicians ("Board"), Department of Consumer Affairs.

2. On or about September 24, 1981, the Board issued Vocational Nurse License Number VN 104567 to Melody Ann Young ("Respondent"). The license was in full force and effect at all times relevant to the charges brought herein and will expire on October 31, 2013, unless renewed.

**JURISDICTION**

3. Business and Professions Code ("Code") section 2875 provides, in pertinent part, that the Board may discipline the holder of a vocational nurse license for any reason provided in Article 3 (commencing with Code section 2875) of the Vocational Nursing Practice Act.

4. Code section 118(b) provides, in pertinent part, that the expiration of a license shall not deprive the Board jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated. Under Code section 2892.1, the Board may renew an expired license at any time within four years after the expiration.

## STATUTORY PROVISIONS

5. Code section 2878 states, in pertinent part:

The Board may suspend or revoke a license issued under this chapter [the Vocational Nursing Practice Act (Bus. & Prof. Code, 2840, et seq.)] for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

(1) Incompetence, or gross negligence in carrying out usual nursing functions.

## REGULATORY PROVISIONS

6. California Code of Regulations, title 16, section 2520 states:

As set forth in Section 2878 of the Code, incompetence is deemed unprofessional conduct and is a ground for disciplinary action. As used in Section 2878 "incompetence" means the lack of possession of and the failure to exercise that degree of learning, skill, care and experience ordinarily possessed and exercised by responsible licensed vocational nurses.

## COST RECOVERY

7. Code section 125.3 provides, in pertinent part, that the Bureau may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

## BACKGROUND INFORMATION

8. On or about January 28, 2011, while on duty as a licensed vocational nurse at Sutter County Jail, located in Yuba City, California, at approximately 0445 hours, Respondent was notified by a custody officer that an inmate was having trouble breathing, coughing up blood and was in pain. Respondent evaluated the inmate by taking his vital signs<sup>1</sup> and found his lung sounds were clear with no wheezing or shortness of breath; however, Respondent noted the

<sup>1</sup> Temp: 97.6; Heart Rate: 120; Respiratory Rate: 24; Blood Pressure: 64/44; and Pulse Oximetry: 93%.

1 inmate was breathing rapidly and was unable to urinate. Respondent then placed the inmate in a  
2 sickbay cell, which was closer to the nurses' office. Respondent told the inmate that nurse  
3 practitioner Brown ("Brown") would examine him upon her arrival at work at approximately  
4 0800 hours. Respondent then requested that custody staff do frequent checks on the inmate while  
5 she was passing medications in another part of the jail. At approximately 0800 hours,  
6 Respondent re-evaluated the inmate by taking his vital signs.<sup>2</sup> Respondent also noted that the  
7 inmate's breathing was more rapid and somewhat shallow.

8 9. At approximately 0805 hours, Brown arrived and evaluated the inmate. Brown  
9 rechecked the inmate's vital signs<sup>3</sup> and found that he was in distress. Brown contacted emergency  
10 services and had the inmate transported to the hospital. The inmate expired at 1619 hours.

#### 11 **FIRST CAUSE FOR DISCIPLINE**

##### 12 **(Incompetence)**

13 10. Respondent is subject to discipline under Code section 2878(a), on the grounds of  
14 unprofessional conduct, as defined in Code section 2878(a)(1), in that on or about  
15 January 28, 2011, while employed as a licensed vocational nurse at Sutter County Jail, located in  
16 Yuba City, California, Respondent was incompetent in that she failed to recognize the inmate's  
17 abnormal assessment data and consequently failed to contact the on-call physician or emergency  
18 services regarding the inmate's condition, as more particularly set forth above in paragraph 9.

#### 19 **SECOND CAUSE FOR DISCIPLINE**

##### 20 **(Unprofessional Conduct)**

21 11. Respondent is subject to discipline under Code section 2878(a), on the grounds of  
22 unprofessional conduct, as defined in Code section 2878(a), in that on or about January 28, 2011,  
23 while employed as a licensed vocational nurse at Sutter County Jail, located in Yuba City,  
24 California, Respondent engaged in unprofessional conduct, as more particularly set forth above in  
25 paragraph 9.

26 ///

27 <sup>2</sup> Temp: 94.2; Heart Rate: 142; Respiratory Rate: 40; Blood Pressure: unable to obtain.

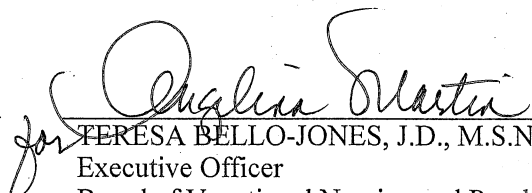
28 <sup>3</sup> Temp: 94.2; Heart Rate: 142; Respiratory Rate: 48; Blood Pressure: unable to obtain.

**PRAYER**

**WHEREFORE**, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Bureau of Vocational Nursing and Psychiatric Technicians issue a decision:

1. Revoking or suspending Vocational Nurse License Number VN 104567, issued to Melody Ann Young;
2. Ordering Melody Ann Young to pay the Bureau of Vocational Nursing and Psychiatric Technicians the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,
3. Taking such other and further action as deemed necessary and proper.

DATED: JAN 09 2013

  
TERESA BELLO-JONES, J.D., M.S.N., R.N.  
Executive Officer  
Board of Vocational Nursing and Psychiatric Technicians  
Department of Consumer Affairs  
State of California  
*Complainant*

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